

Lincoln ZBA Meeting Minutes For November 9, 2020

Re: ZBA Agenda items as submitted on November 7, 2020

****PENDING APPROVAL****

Present: Tommie Thompson (ZBA Chair), Nate Wallace-Gusakov (ZBA Vice Chair), Nicole Lee (ZBA Clerk), Steve alexander (ZBA), Harry Reynolds (ZBA), Josiah Jackson (Citizen), Bay Jackson (Citizen), Will Sipsey (ZA)

Attended via Zoom due to Covid-19: Barry Olson (ZBA), Patricia Waugh (ZBA), Judy Witters (Applicant)

1. Meeting was called to order by Tommie at 7:07 pm.
2. Executive session to be determined with the new acting ZA, Will Sipsey.
3. Minutes from ZBA October 12, 2020 meeting approved.
4. Bay Jackson arrived at 7:14pm.
5. Continuation of Request for Waiver Application for Judy Witters.
6. New evidence reviewed. Items included a letter, photo, and two drawings.
7. Discussion of precedent for benefits to the community for aging in place, physical ailment, financial hardship, design of a garage not considered initially while building the barn.
8. Will Sipsey arrived at 7:20 pm.
9. Motion to close the evidentiary portion of the hearing by Tommie.
10. Motion approved.
11. Judy Witters signed off of Zoom.
12. Move to have a deliberative session.
13. Precedent discussed. Will Sipsey gave his input that each application be adjudicated on its own merits.
14. No neighbors objected that we know of.
15. ZBA discussed the options that were presented to her and were objected to due to either a financial hardship or safety concerns for her horses.
16. Harry expressed that he'd be in favor of approving Judy's Request for Waiver, but can see it both ways due to the precedent set.
17. Steve recalled Ron Grace's application and that it was denied due to similar circumstances. Factors considered: disability and financial hardship.
18. Motion to deny Judy's application due to reasonable options previously given to her, and a self imposed hardship.
19. Majority voted "aye".
20. Application denied.
21. Nicole to draft a letter for review by the ZBA and then mail to Judy.
22. Discussion of the Sand Pit application, supporting documents submitted by Otter Creek Engineering, and letter submitted by Jim Dumont.
23. Disregard of Section 737 of the Lincoln Zoning Regulations is apparent.

24. The Selectboard withdrew the Sand Pit application after receiving Tommie's email with the rationale to do so.
25. Tommie offered to have work meetings with Otter Creek and affiliated parties in order to provide supporting documentation that will comply with Lincoln's Zoning Regulations for the State Wastewater and Town Conditional Use permits needed for January. Exact date unknown by meeting attendees.
26. Tommie suggests drafting a letter to the Selectboard that would then be forwarded to Otter Creek. All ZBA members are welcome to contribute.
27. Nate mentioned that Steve Revell showed up for the hearing because he was not informed that the application had been withdrawn.
28. Steve questioned the Selectboard's rationale of not contacting the ZBA sooner when the need for a Conditional Use hearing was evident.
29. Regarding the Sand Pit application: Does the ZBA need to contact a lawyer (town's or other) moving forward in communication and recommendations to the Selectboard, Otter Creek, and other affiliated groups or persons?
30. Communication between the Selectboard and the ZBA to be more active and transparent. Quarterly meetings between SB and ZBA, as well as regular review of meeting minutes by all members is suggested.
31. Josiah stated that he contacted the Town Clerk in order to review the Sand Pit application. He had concerns over the content of the supporting documents so he contacted Jim Dumont as a friend to review the documents. Jim Dumont submitted a letter with comments to the Selectboard, Sarah Summers (ZA), and Tommie Thompson, with the intention that all members of the Planning Commission and ZBA would review it as well.
32. Sand Pit documents and pertinent letters to be distributed to ZBA members.
33. ZBA candidates interviewed. Dave DiPentima went first in person, James Warnock followed on Zoom.
34. Motion to select James Warnock to fill ZBA vacancy.
35. Motion approved.
36. Bay requested a paragraph to be submitted to the Selectboard indicating reasoning for ZBA member selection.
37. No known ZBA hearing applications have been submitted this month.
38. Bay discusses Will Jackson's land donation to the town of Lincoln. He is working with MALT (Middlebury Area Land Trust) and the town to finalize terms.
39. Tommie offers help to Will Sipse to sort out the backlog of applications at the Town Office.
40. Motion to adjourn at 9:12 pm.

Respectfully submitted on November 14, 2020 by Nicole Lee, ZBA Clerk